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Attorney Docket No. 11610US02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION OF:

CHARLES STONE and  
ALFRED E. STECK

SERIAL NO. 09/503,760

FILED: February 14, 2000

FOR: GRAFT POLYMERIC MEMBRANES  
AND ION-EXCHANGE MEMBRANES  
FORMED THEREFROM

Group Art Unit 1713

Examiner F. Zitomer

11/8  
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MAY 06 2002  
TC 1/00

AMENDMENT AND PETITION TO ADD INVENTOR  
NOT ORIGINALLY NAMED IN NONPROVISIONAL APPLICATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

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ORIGINALLY FILED

Sir:

Pursuant to 37 C.F.R. § 1.48(a), applicants submit this Amendment and Petition to correct the original naming of inventors in the declaration submitted in connection with the above application on or about May 9, 2000.

Please add the following previously unnamed person as a named inventor for the present application:

**Biswajit Choudhury**

Residence Address: 1401-9835 King George Hwy,  
Surrey, British Columbia, Canada, V3T 5H6

Citizenship: Canadian.

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PATENT TRADEMARK OFFICE

## ATTACHMENTS

Attached hereto are:

- (a) a statement from the person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part (37 C.F.R. §1.48(a)(1)).
- (b) a declaration by each of the actual inventors as required by 37 C.F.R. § 1.63 (37 C.F.R. § 1.48(a)(2)).
- (c) a written assent of the assignee, Ballard Power Systems Inc. ("BPS"), as well as copies of the underlying Assignments from the newly-named inventor, Biswajit Choudhury, to Ballard Advanced Materials Corporation ("BAM") and from BAM to BPS, each of which is being submitted concurrently herewith for recordation in the USPTO.

\* \* \* \* \*

In view of the foregoing and the attachments hereto, applicants request correction of the original naming of inventors in accordance with the attached declaration. The Examiner is invited to telephone the applicants' undersigned attorney at (312) 775-8123 if any unresolved matters remain.

A \$130.00 check accompanies this submission to cover the petition fee. Please charge any additional fees, or credit any overpayment, incurred in connection with this submission to Deposit Account No. 13-0017.

Respectfully submitted,



Robert W. Fieseler  
Registration No. 31,826  
Attorney for Applicants

Michael B. Harlin  
Registration No. 43,658  
McANDREWS, HELD & MALLOY, LTD.  
500 West Madison Street, 34th Floor  
Chicago, Illinois 60661

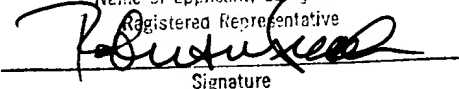
Telephone (312) 775-8000  
Facsimile (312) 775-8100

Dated: April 18, 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D. C. 20231, on 4-18-02  
Date of Deposit

ROBERT W. FIESELER

Name of applicant, assignee, or  
Registered Representative



Signature

4-18-02

Date of Signature



Attorney Docket No. 11610US02

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION OF: )  
 )  
CHARLES STONE and ) Group Art Unit 1713  
ALFRED E. STECK )  
 ) Examiner F. Zitomer  
SERIAL NO. 09/503,760 )  
 )  
FILED: February 14, 2000 )  
 )  
FOR: GRAFT POLYMERIC MEMBRANES )  
AND ION-EXCHANGE MEMBRANES )  
FORMED THEREFROM )

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**STATEMENT OF NON-DECEPTIVE INTENT BY PERSON BEING ADDED BY  
PETITION TO ADD INVENTOR  
NOT ORIGINALLY NAMED IN NONPROVISIONAL APPLICATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, the person who is being added as an inventor by the  
petition being submitted to correct the inventorship of the above  
application, do hereby declare that the inventorship error in  
failing to include my name as an inventor on the present  
application occurred without any deceptive intention on my part.

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ORIGINALLY FILED

*Biswajit Choudhury*  
Biswajit Choudhury



Attorney Docket No. 11610US02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION OF: )  
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CHARLES STONE and ) Group Art Unit 1713  
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SERIAL NO. 09/503,760 )  
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ASSENT OF ASSIGNEE TO ADD INVENTOR

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Ballard Power Systems Inc., the assignee of the above  
application by virtue of:

- (1) an Assignment from Ballard Advanced Materials  
Corporation, which was executed on March 15, 2000, and  
recorded in the U.S. Patent and Trademark Office on May  
12, 2000 at Reel 10808, Frame 0909,
- (2) an Assignment from the original named inventors,  
Charles Stone and Alfred E. Steck, to Ballard Advanced  
Materials Corporation, which was executed on March

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2000 and March 15, 2000, respectively, and recorded in the U.S. Patent and Trademark Office on May 12, 2000 at Reel 10808, Frame 0914,

- (3) an Assignment from Ballard Advanced Materials Corporation, which was executed on Sept. 5, 2001 (copy enclosed herewith), and is being submitted for recordation in the U.S. Patent and Trademark Office concurrently herewith,
- (4) an Assignment from the added inventor, Biswajit Choudhury, to Ballard Advanced Materials Corporation, which was executed on August 27<sup>th</sup>, 2001 and March 15, 2000, respectively, and is being submitted for recordation in the U.S. Patent and Trademark Office concurrently herewith,

hereby assents to the amendment to add inventor filed herewith.

BALLARD POWER SYSTEMS INC.

By: 

Printed Name: Noordin S.K. Nanji

Title: Vice-President, Strategic Development

Date: September 4, 2001

By: David P. Wilkinson

Printed Name: David P. Wilkinson

Title: Vice President, Research & Development

Date: August 29, 2001.

A S S I G N M E N T

File No. 11610US02

Joint  
Application Serial No.09/503,760

Filing Date: February 14, 2000

Inventor: Biswajit Choudhury

In consideration of One Dollar (\$1.00) and other good and valuable considerations in hand paid, the receipt and sufficiency whereof are hereby acknowledged, each of the undersigned hereby assign to **Ballard Advanced Materials Corporation**, a corporation under the laws of the Province of **British Columbia, Canada**, its successors and assigns, the entire right, title and interest in the invention or improvements of the undersigned disclosed in an application for Letters Patent of the United States, entitled: **GRAFT POLYMERIC MEMBRANES AND ION-EXCHANGE MEMBRANES FORMED THEREFROM**; and identified as File No. 11610US02 in the offices of **McANDREWS, HELD & MALLOY, LTD.**, and in said application and any and all other applications, both United States and foreign, which the undersigned may file, either solely or jointly with others, on said invention or improvements, and in any and all Letters Patent of the United States and foreign countries, which may be obtained on any of said applications, and in any reissue or extension of such patents, and further assign to said assignee the priority right provided by the International Convention.

Each of the undersigned hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said assignee.

Each of the undersigned hereby authorize and request the attorneys of record in said application to insert in this assignment the filing date and serial number of said application when officially known.

Each of the undersigned warrants himself to be the owner of the entire right, title and interest in said invention or improvements and to have the right to make this assignment, and further warrants that there are no outstanding prior assignments, licenses, or other encumbrances on the interest herein assigned.

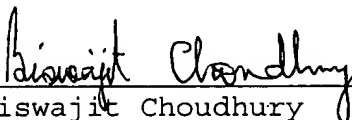
For said considerations each of the undersigned hereby agree, upon the request and at the expense of said assignee, its successors and assigns, to execute any and all divisional, continuation and substitute applications for said invention or



improvements, and any necessary oath, affidavit or declaration relating thereto, and any application for the reissue or extension of any Letters Patent that may be granted upon said application, and any and all applications and other document for Letters Patent in foreign countries on said invention or improvements, that said assignee, its successors or assigns may deem necessary or expedient, and for the said considerations each of the undersigned authorizes said assignee to apply for patents for said invention or improvements in its own name in such countries where such procedure is proper and further agrees, upon the request of said assignee, its successors and assigns, to cooperate to the best of the ability of the undersigned with said assignee, its successors and assigns, in any proceedings or transactions involving such applications or patents, including the preparation and execution of preliminary statements, giving and producing evidence, and performing any and all other acts necessary to obtain said Letters Patent, both United States and foreign, and vest all rights therein hereby conveyed in the assignee, its successors and assigns, whereby said Letters Patent will be held and enjoyed by the said assignee, its successors and assigns, to the full end of the term for which said Letters Patent will be granted, as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment had not been made.


SIGNED at Burnaby, Province of British Columbia, Canada

this 27 day of August, 2001.

  
Biswajit Choudhury

I hereby certify that before me personally appeared Biswajit Choudhury to me known and known to me to be the individual described in the foregoing instrument, and that in my presence executed this instrument and who by me having been sworn did acknowledge that he executed the instrument as his free act and deed on the day and year aforesaid.

SEAL:

  
Notary Public

A S S I G N M E N T

Whereas, **Ballard Advanced Materials Corporation**, a corporation under the laws of the Province of British Columbia, Canada, and having a place of business at 9000 Glenlyon Parkway, Burnaby, British Columbia, Canada V5J 5J9 is the owner of the entire right, title and interest, by virtue of an Assignment, in

**GRAFT POLYMERIC MEMBRANES AND ION-EXCHANGE  
MEMBRANES FORMED THEREFROM**

as described and set forth in U.S. Patent Application Serial No. 09/503,760 filed on February 14, 2000, naming **Charles Stone, Alfred E. Steck and Biswajit Choudhury** as the inventors, preparatory to obtaining Letters Patent of the United States therefor; and

Whereas, **Ballard Power Systems Inc.**, a corporation under the **Canadian Business Corporations Act**, and having a place of business at 9000 Glenlyon Parkway, Burnaby, British Columbia, Canada V5J 5J9, is desirous of acquiring for itself, and for its successors and assigns, the entire right, title and interest in and to said invention and improvements and any Letters Patent which may be granted therefor or thereupon, together with any and all divisions, continuations, reissues and extensions thereof:


Now, therefore, to all whom it may concern, be it known that, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said **Ballard Advanced Materials Corporation** hereby sells, assigns, transfers and sets over unto the said **Ballard Power Systems Inc.**, its successors and assigns, the entire right, title and interest in and to the inventions and improvements set forth and described in said application and any Letters Patent which may be granted therefor or thereupon, together with any and all divisions, continuations, reissues and extensions thereof, reexamination certificates based thereon, any and all its foreign patents based thereon, and all its rights under the International Convention in respect thereto. And

**Ballard Advanced Materials Corporation** hereby agrees to communicate to said **Ballard Power Systems Inc.**, its successors and assigns or their representatives, facts known to it respecting said

United States patent; to testify in any legal proceedings relating thereto; to sign all lawful papers relating thereto; to deliver to **Ballard Power Systems Inc.** the original of said United States patent if it has possession or control thereof; and generally to use reasonable efforts to aid said **Ballard Power Systems Inc.**, its successors and assigns, in obtaining and enforcing the protection granted by said United States patent and any foreign patents based thereon.

IN WITNESS WHEREOF, the said **Ballard Advanced Materials Corporation** has caused this Assignment to be executed on its behalf, this 5<sup>th</sup> day of September, 2001.

BALLARD ADVANCED MATERIALS CORPORATION

By: 

Printed Name: Noordin S.K. Nanji

Title: Corporate Secretary

Date: September 5, 2001

On this 5<sup>th</sup> day of September, 2001, before me, a Notary Public, personally came Noordin S.K. Nanji, to me known, who being by me duly sworn did depose and say that he is the Corporate Secretary of BALLARD ADVANCED MATERIALS CORPORATION, the corporation described in and which executed the foregoing instrument; and that he has authority to and did execute the

foregoing instrument in his above-indicated capacity, and that he signed his name pursuant thereto.

(Seal)

  
\_\_\_\_\_  
Notary Public

IN WITNESS WHEREOF, the said **Ballard Advanced Materials Corporation** has caused this Assignment to be executed on its behalf, this 5<sup>th</sup> day of September, 2001.

BALLARD ADVANCED MATERIALS CORPORATION

By: \_\_\_\_\_

Printed Name: David S. Smith

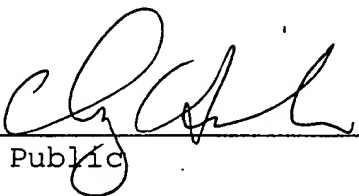
Title: Vice President, Controller

Date: September 5, 2001

On this 5<sup>th</sup> day of September, 2001, before me, a Notary Public, personally came David S. Smith, to me known, who being by me duly sworn did depose and say that he is the Vice President, Controller of BALLARD ADVANCED MATERIALS CORPORATION, the

corporation described in and which executed the foregoing instrument; and that he has authority to and did execute the foregoing instrument in his above-indicated capacity, and that he signed his name pursuant thereto.

(Seal)

  
\_\_\_\_\_  
Notary Public



Attorney Docket No. 11610US02

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**GRAFT POLYMERIC MEMBRANES AND ION-EXCHANGE  
MEMBRANES FORMED THEREFROM**

the specification of which was filed in the U.S. Patent and Trademark Office on February 14, 2000, and assigned Serial 09/503,760.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, section 119(a)-(d) or section 365(b) of any foreign application(s) for patent or inventor's certificate, or section 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed:

NONE.

I hereby claim the benefit under Title 35, United States Code, section 119(e) of any United States provisional application(s) listed below:

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NONE.

I hereby claim the benefit under Title 35, United States Code, section 120 of any United States application(s), or section 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, section 1.56(a) which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

**U.S. Patent Application Serial No. 08/967,960  
filed November 12, 1997.**

I hereby appoint:

George P. McAndrews	Reg. No. 22,760
John J. Held	Reg. No. 21,061
Timothy J. Malloy	Reg. No. 25,600
William M. Wesley	Reg. No. 26,521
Lawrence M. Jarvis	Reg. No. 27,341
Gregory J. Vogler	Reg. No. 31,313
Jean Dudek Kuelper	Reg. No. 30,171
Herbert D. Hart III	Reg. No. 30,063
Robert W. Fieseler	Reg. No. 31,826
D. David Hill	Reg. No. 35,543
Thomas J. Wimbiscus	Reg. No. 36,059
Steven J. Hampton	Reg. No. 33,707
Priscilla F. Gallagher	Reg. No. 32,223
Stephen F. Sherry	Reg. No. 30,590
Patrick J. Arnold Jr.	Reg. No. 37,769
George Wheeler	Reg. No. 28,766
Janet M. McNicholas	Reg. No. 32,918
Ronald E. Larsen	Reg. No. 24,478
Christopher C. Winslade	Reg. No. 36,308
Edward A. Mas II	Reg. No. 37,179
Gregory C. Schodde	Reg. No. 36,668
Edward W. Remus	Reg. No. 25,703
Donald J. Pochopien	Reg. No. 32,167
Sharon A. Hwang	Reg. No. 39,717
David D. Headrick	Reg. No. 40,642
Dean D. Small	Reg. No. 34,730
Alejandro Menchaca	Reg. No. 34,389
Kirk A. Vander Leest	Reg. No. 34,036

Richard T. McCaulley, Jr.	Reg. No. 41,977
Anthony E. Dowell	Reg. No. 39,661
Peter J. McAndrews	Reg. No. 38,547
Jonathan R. Sick	Reg. No. 43,920
Eligio C. Pimentel	Reg. No. 42,076
James P. Murphy	Reg. No. 40,741
Dean A. Pelletier	Reg. No. 45,007
Michael B. Harlin	Reg. No. 43,658
James R. Nuttall	Reg. No. 44,978
Jeffrey D. Wheeler	Reg. No. 39,066
Timothy L. Harney	Reg. No. 38,174
Joseph M. Barich	Reg. No. 42,291
Scott P. McBride	Reg. No. 42,853
Patricia J. McGrath	Reg. No. 44,919
Sandra A. Frantzen	Reg. No. P-48,799
Christopher V. Carani	Reg. No. 44,049
Jennifer E. Lacroix	Reg. No. 46,852
Joseph F. Harding	Reg. No. P-48,450
Joseph M. Butscher	Reg. No. P-48,326
Stephen M. Miller	Reg. No. 40,728
Troy A. Groetken	Reg. No. 46,442
Michael J. Fitzpatrick	Reg. No. P-48,510

the address and telephone number of each of whom is McAndrews, Held & Malloy, Ltd., 500 West Madison Street, 34th Floor, Chicago, Illinois 60661, 312/707-8889, as our attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct telephone calls to Robert W. Fieseler at (312) 707-8889. Please direct facsimiles to Robert W. Fieseler at (312) 707-9155.

Please address correspondence to:

Robert W. Fieseler  
McAndrews, Held & Malloy, Ltd.  
500 West Madison Street, Suite 3400  
Chicago, Illinois 60661

I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false



statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor Charles Stone

Inventor's signature

Charles Stone

Date

Sep 4/2001

Residence Address 4948 Edendale Lane  
West Vancouver, BC  
Canada V7W 3H7

Citizenship Canadian

Post Office Address Ballard Power Systems Inc.  
9000 Glenlyon Parkway  
Burnaby, B.C.  
Canada V5J 5J9

Full name of second inventor Alfred E. Steck

Inventor's signature

Alfred E. Steck

Date

Feb. 13, 2002

Residence Address 3956 Westridge Avenue  
West Vancouver, BC  
Canada V7V 3H7

Citizenship Canadian

Post Office Address 3956 Westridge Avenue  
West Vancouver, BC  
Canada V7V 3H7

Full name of second inventor Biswajit Choudhury

Inventor's signature

Biswajit Choudhury

Date

Aug. 27, 2001

Residence Address 1401 - 9835 King George Highway  
Surrey, BC  
Canada, V3T 5H6

Citizenship Canadian

Post Office Address Same as first joint inventor